

## **GOOD NEIGHBOR ENVIRONMENTAL BOARD MEETING**

Doubletree Hotel  
Tucson, Arizona,  
January 29-30 1998

### **MEMBERS**

James Marston, Chair  
Patrick Banegas  
John Bernal  
Tibaldo Canez  
John Flynn  
Charles Groat  
Alison Hughes  
Jennifer Kraus  
Lisa LaRocque  
Winston Martin  
Elsa Saxod  
Bill Summers  
Elizabeth Swope  
Richard Walling  
Robert Hardaker, Designated Federal Officer

### **OTHER PARTICIPANTS**

Ty Fain, State of Texas General Land Office  
M.J. Fiocco, Department of Transportation  
Jerry Gonzalez, Department of Agriculture, NRCS  
Clarence Hardy, Environmental Protection Agency  
Greg Kenyon, Environmental Protection Agency  
Catherine Kuhlman, Environmental Protection Agency  
Nancy Lowery, Center for Environmental Research, UTEP  
Jacob Macias, Department of Commerce, Economic Development Administration  
Beau McClure, Department of the Interior  
Victor Miramontes, North American Development Bank  
Carlos Monroy, State of Arizona, ADEQ  
Abraham Nehmad, SEMARNAP, Mexico City  
Placido dos Santos, State of Arizona, ADEQ  
Pam Teel, Environmental Protection Agency  
Rebecca de la Torre, Department of Agriculture, NRCS  
Roberto Ybarra, International Boundary and Water Commission  
Dr. Wadie Kamel, Healthy Borders 2000  
Dr. Xavier Leus, Pan American Health Organization

### **January 29, 1998**

The chair convened the meeting at 8:45 a.m.

### **Welcome**

Mr. Marston welcomed everyone to the fourth year of the Good Neighbor Environmental Board. He noted that, from his point of view, he finds this one of the most enjoyable boards that he has had the pleasure of serving on and expressed hope that those new to the committee will find it as interesting and

worthwhile as those who have been around for three plus years. He asked each of the participants to introduce themselves.

### Agenda

The chair described the agenda. He explained that members will be presented in the next two days with reports on Border XXI and reports related to previous Board recommendations. He added that the agenda assumes a lot of “give and take” between the members of the Board as well as the people presenting reports. He noted that the Board would also hear presentations from Victor Miramontes of NADBank and Oscar Romo, from the Mexican Region I national advisory committee. He explained that the Board would discuss with Mr. Romo continued cooperation and work planning for the coming year with the Board’s Mexican counterpart.

He added that some Board members would not be able to attend both days but were represented by alternates until they could appear. He also noted a transition in the Department of Transportation representation with Bernard Gaillard being replaced. He expressed regret that Jorge Verduzco had resigned because he could not give as much time to the committee as he wanted to. He advised that there would be some discussion of border state views, noting the Board’s interest in increasing state involvement with the Board.

Ms. Hughes described plans for a reception for the Board that evening sponsored by the U.S.-Mexico Border Health Foundation.

### **BORDER XXI**

Mr. Marston reminded members that the agenda did not permit the Board to spend much time on Border XXI at the last meeting, although it is one of the Board’s top priorities. It was decided to start the meeting with discussion of the status of Border XXI implementation involving EPA as well as the other key agencies involved.

### EPA

The chair recognized Catherine Kuhlman representing Felicia Marcus. Ms. Kuhlman stated that Ms. Marcus sends her regrets at being unable to attend due to a meeting with the Vice President. Ms. Kuhlman introduced Pam Teel, EPA National Border Coordinator, Wendy Laird Benner, a former Board member who is now in EPA as the border coordinator for Region 9 (Arizona and California), and Gina Weber, her counterpart in Region 6 (Texas and New Mexico), and Lorena Lopez, director of EPA’s San Diego Border Liaison Office.

Ms. Teel began by advising that at this time the U.S. and Mexico have not issued the 1997/1998 implementation plans, but that they will be mailed the beginning of next week. She noted that the 1997 and 1998 implementation plans were being issued together because many of the projects begun in 1996 are continuing on in 1997, and the ones that were started in 1997 will continue on in 1998. However, there will be some projects that will not be included so that in the spring of 1998, an update will be prepared. She advised that the U.S. and Mexico were working on establishing a routine schedule for issuing implementation plans in the Spring each year. She advised that the annual national coordinator's meeting will be held March 16-19 in San Diego and extended an invitation to the Board to attend. She added that the two governments are looking at long term scheduling including the bi-annual commitment to go back to the public, solicit input, and respond to them on what the governments are accomplishing in Border XXI. In addition, the governments are beginning work on the second five-year planning effort.

With respect to activities underway, she noted that there are approximately 200 projects. She provided some examples arrayed by work groups. For example, the enforcement and hazardous waste work groups

have three sub-work groups in Tijuana/San Diego, Douglas/Agua Prieta and Brownsville/Matamoros and will establish two more sub-work groups in Texas. The El Paso-Ciudad Juarez Air Quality Management Basin advisory committee is beginning to make recommendations to the air work group on ways to improve the air quality in the area. The Rio Grande Alliance, the long-term planning organization for the Rio Grande River basin, has contacted Mexico and is incorporating them into their activities and meetings and seeking their input on long-term planning. For air monitoring, there are now six systems established along the border area covering all seven non-attainment areas and six sister cities. In hazardous waste, the HAZTRAK system, which is tracking the movement of hazardous waste across the border, is continuing to expand and improve, incorporating more data from both countries. In the water work group, the toxic monitoring studies for the Rio Grande are continuing, as well as the characterization of the trans-boundary aquifers. Also there are toxic studies underway for the Lower Colorado-New River study. The fly-bys on the U.S. side have been completed for the border GIS system. In the training area, the pollution prevention workgroup is continuing training; recently they have added one more industry sector and have printed manuals. For water, there's continuous training of municipal water and waste water treatment plant operators, and for hazardous waste, training on better management of solid waste management facilities. For contingency planning and emergency response, training is being provided on the CAMEO system.

Ms. Kuhlman provided information on funding, the environmental indicator's report, and public participation. She noted that a total of about \$3.5 million is divided essentially between the two regional offices for programmatic work, and there is \$75 million for infrastructure and \$50 million for colonias, and SCERP has \$3 million for research. She stated that this total is smaller than last year's budget both in terms of the internal EPA money as well as money for infrastructure, although SCERP funding was increased slightly. In terms of the indicator's report, she noted that a draft was in the members' packages and should be published in time for the coordinator's meeting.

Ms. Kuhlman acknowledged that public participation has been a really difficult issue for all of the federal agencies that are working on Border XXI, and that there is a wide range of opinion among the agencies on how to effectively conduct public participation. She asked each of the EPA regional office staff to describe their approach. Ms. Lopez noted that the border liaison offices were established under the U.S./Mexican border program as the leading entities to communicate to the public, to disseminate information, and to gain the perspective of the communities and bring it back to the agency. She advised that her office communicates to the public in numerous ways, e.g., through the 800 line where the public can call and request specific information or a specific publication; attendance at other organizations' public meetings; hosting open house meetings including quarterly meetings in Arizona; information centers where we provide environmental information in hard copies because not everyone is linked to the Internet; encouraging people from the NADBank and the BECC to send their information to her office; and distribution of the Good Neighbor Board annual report in English and in Spanish. She added that the border offices are creating newsletters and fact sheets about the program itself as well as the work groups' projects and objectives. Ms. Weber noted that most outreach efforts are the same in both of EPA's border regions. She added that Region 6 has a new, part-time Brownsville border office to expand services to the lower valley of Texas. The El Paso border liaison office also attends local council of government meetings and meets with the public at different meetings of their own. As Region 9, Region 6 holds outreach meetings. At each meeting, work group representatives talk about their implementation plans and future activities, answer questions, and take input for future planning purposes. They have also just sent out the first issue of a quarterly newsletter. She added that, while she feels their efforts are productive, EPA needs the Board's help in identifying how best to communicate with the public.

Mr. Gonzalez complimented EPA on its outreach efforts, but asked whether the public actually has an opportunity to engage in the development of policy and programs. Ms. Kuhlman responded that this issue is at the heart of the internal debate. She noted that the agencies have been able to reach consensus on the process of putting out the plans and going out into the community to discuss them and take comments back on them. She stated that a big issue is the lag time between the time the plan is put together and the time it is finalized. She added that the agency is struggling with how to incorporate public input because, while people provide excellent comments, it may take a year or two years before the agency can actually get that

project funded, much less operational. The current process provides for the border offices to attend and hold public meetings to get comments and to provide those comments to each of the work groups. Mr. Gonzalez responded that it is his hope that public participation will actually have the public participating, molding and shaping whatever projects or whatever goals we have-- not just providing information for their comments which "get lost somewhere in the bureaucratic world." Ms. Lopez responded that her office has three cooperative agreements that were created based on input from the public, including two cooperative agreements addressing environmental education which was identified by the public as a constant issue. In Arizona, EPA is working with the Environmental Education Exchange that has done work in Sonora and other areas, creating a number of conferences where not only the educators but other people interested in environmental education are developing an action plan for the Arizona-Sonora region. EPA in California met with educators from both sides of the border to create an action plan and a council of educators to work at the binational and bi-local level. She noted that a cooperative agreement has been established with San Diego State University to create an inventory and directory for people to be able to link to other existing programs that are going on border-wide. She added that efforts have also expanded to reach the tribes in the border region, including award of \$17 million for tribal infrastructure needs, a February 3-5 conference being held for all 25 tribes that are located in the border region, and hosting special meetings for tribes.

Mr. Martin stated that one of the greatest things that's happened in the last few years is at least government agencies are talking to each other. He noted that EPA and the Board have done much to improve that by bringing people to the table, seeing what we're all involved, and identifying how we can work better together and coordinate. But that doesn't really reach the people. Sending out flyers and things like that are necessary but people don't respond to that. If you've ever had a municipal neighborhood meeting, you end up with more staff there than you have people; many do not take the opportunity given to them. He urged staff to work with nonprofits, parish leadership groups, representatives of those people you need to identify in the area where you're working to come in and speak for the people who are not able to speak for themselves. Ms. Weber added that public outreach is a new and evolving process, not only in the United States but in Mexico as well. She expressed pride in the work that was done to create the Joint Advisory Committee for the air shed in El Paso, Las Cruces and Ciudad Juarez, definitely a bottom up development from the community. She thanked Mr. Martin for his suggestions.

Mr. Flynn agreed that attempting to involve the public is very difficult but that one of the ways to attract attention is to identify how a specific issue is going to affect people--either it's going to cost them something or their children's health is involved or a specific disease is going to be discussed, etc. He explained that in his district, which is primarily a Hispanic district, he communicates with community leaders and asks them to bring people to the meeting. He also communicates through the school system, parish priests, and community activists.

Mr. Stephens added that EPA has a reputation as a regulator in the community, but there is the other side of EPA in terms of the dollars that it brings to help communities meet some of the needs that have been there for many years and that are paramount in the minds of community residents. It is important to communicate to them that by participating they are going to increase the likelihood of these dollars being channeled into their community to meet the longstanding needs.

Mr. Fain noted that local and state agencies have intense interest in getting the Region 6 administrator's jobs filled. With respect to public participation, he indicated that things have changed very favorably in recent years as far as Border XXI and public involvement; with thanks to people like Gina Weber, there's a lot more input and a lot more access. He cited the example of drafting nominations for designating the Rio Grande River under the American Heritage Rivers Program through a process of 39 local public meetings on what the communities wanted to have in a nomination for the river. He expressed great appreciation for what EPA faces in developing something specific out of a difficult but democratic process.

Ms. Kraus stated that she is struggling with how to get more industry participation. She noted that there are community groups and organizations whose sole purpose is to make sure that their concerns and issues are heard, but that there are other organizations and individuals in communities who are not adept at doing that. She commended Ms. Lopez for her office's efforts. She added that in California and the San Diego/Tijuana region, there are some very active industrial trade organizations and associations that should be hearing more about what is going on and expressing their views about what is needed. Ms. Lopez responded that she has been approached by a number of representatives of private industries, mostly Maquiladora associations, who want to speak to other people that are interested in what they are doing. She is planning to create a panel that will be representative of private industry and to have a number of round table discussions. She also stated that EPA is developing an industry outreach program and welcomed the Board's input. Ms. Swope noted that there is an organization called the Border Trade Alliance composed of local government and business. Their next conference is in Mexico City February 14-18, focusing on transportation infrastructure.

Ms. Kuhlman noted that a compendium of border projects is being updated and should be published this summer. Ms. Laird added that EPA has awarded a series of border grants over the past two years to various local grassroots organizations, another mechanism for outreach. Ms. Weber noted that EPA is trying to figure ways to link these with other projects that are going on at the state and local levels.

Responding to Mr. Marston, Ms. Teel explained that some new 1998 projects are expected to be identified after the national coordinators' meeting which will be incorporated in an update. These projects are not expected to be opened to public comment prior to be incorporated in the updated 1998 plan. She added that EPA agrees it is a problem but that it takes a two-year process to get a project started. Ms. Weber also noted that there will be public outreach meetings where the workers will tell the public what they've been doing, their accomplishments for the previous year, new projects this year. While the public may not be able to have direct impact from one day to the other, the staff will be taking input so they can plan ahead.

Mr. Stephens noted that EPA's written response to the Board's recommendations stated that EPA is not planning to request the \$50 million for colonias in fiscal 1999, based on a belief that enough funds have been appropriated based on earlier estimates. Ms. Weber agreed, indicating that the money has been spent in Texas and New Mexico because colonias have only been designated in these states. She explained that other funds will continue and may be used for any additional needs. Mr. Stephens expressed his own concern with this decision, adding that others feel the same. Ms. Teel explained that there was an initial estimation of \$300 million needed for colonias infrastructure and that \$50 million has been appropriated annually for the past 6 years. Mr. Stephens reminded the Board that these funds were directed only to New Mexico and Texas. At the time, California and Arizona did not recognize the existence of similarly situated communities and that there is still a dramatic need that exists. One tribal Nation, the Tohono O'odham, which has 12,000-15,000 residents on a reservation a third of the size of the State of West Virginia, probably has waste water needs in excess of \$50 million and never had access to these dollars. He added that if people in Arizona were aware that EPA was not requesting the money, they would raise some concerns. Mr. Marston added that the Board's report last year recognized there was a problem about the definition of colonias and asked that it be redefined.

Mr. McClure urged that agencies at the binational meeting be given instructions to deal with the 1999 and 2000 plans so that you won't leave the public with the impression that things are already said and done. Ms. Kuhlman urged the Board to give a specific recommendation of what ought to be done. Ms. Weber also asked for help with prioritizing that request.

Ms. LaRocque urged that the public be more involved in assessment of the ongoing work so that recommendations would come forth for future work based on previous accomplishments and remaining needs in 1999 and 2000.

Mr. Canez asked if EPA had any plans to resurvey to see if there are additional needs are needed with

colonias infrastructure. He added that there is no question that the original estimates understated the needs. Mr. Banegas added that in many cases colonias that received funds were not prepared to do that and it's taken time for them to get in a position to do so and we need to find ways to more effectively put that money to use faster.

Ms. Kuhlman responded that, for example, there's more than \$17 million available for tribal infrastructure but the tribes don't have the institutional infrastructure yet to absorb this level of funds. She agreed that the need is huge but there is an issue with how fast money can move through the pipeline and how to work with a lot of other people to build infrastructure so that they can take the money and use it wisely.

Mr. Fain expressed his view that the Border XXI plan is not really a plan, but rather a compilation of projects that are underway or that have been cited in the budget. The plan is what EPA and other agencies are submitting to Congress in the President's budget proposal for the year 2000, 2001; that's where the planning is. He suggested making Border XXI a program document, with another document to get participation as to what EPA is going to be doing in the outyears. Ms. Weber agreed.

#### Comments by the Department of Health and Human Services

Mr. Walling began by following up on Mr. Fain's comment, noting that it's one he has struggled with--whether Border XXI is a program or a plan. He agreed that, in any case, it is a very innovative process and way of doing things differently on the border than what we have in the past. He noted that one of the problems the environmental health work group had with yearly implementation plans is that they knew they weren't going to have the results for two or three years.

Mr. Walling explained that the environmental health workgroup is one of the three newer ones. On the U.S. side, the work group grew out of the U.S./Mexico inter-agency coordinating committee, which involved both EPA and HHS as well as state health and state environmental agencies along the border; this group, in turn, grew out of a specific problem with neural tube defects in the lower Rio Grande Valley. The people involved decided to build on an existing process rather than create a brand new group. On the Mexican side, the ICC group worked with the director for the Environmental Health Directorate in the Ministry of Health as well as SEMARNAP. The work group in its original discussions decided to work on seven initiatives. Three of those are chaired on the U.S. side by state persons, one is co-chaired by a state person, and the other are co-chaired by people within the Department of Health and Human Services. He noted that there had been a review meeting in November where it was agreed that they were making good progress in all the different areas but there also were some concerns. One of the problems is that all the work groups are binationally co-chaired and they have not been able to set up good communication with Mexican counterparts. The other problem is bringing the right kinds of technical people onto the groups. The seven initiatives include: 1) a health alert bulletin board to help share epidemiological data and information about environmental health related issues quickly across the border. The New Mexico Border Health Office recently signed a memorandum of understanding with Texas and with Chihuahua to use something called Epi-fax, a fax mechanism, and then also see how that might be expanded across the border and to both federal governments because something that happens in Missouri may need to be available on the border. 2) pesticides exposure is being addressed in three phases--find out what are the pesticides, where are the people, and then see if there is a risk factor value. Pesticides is one of those things that goes across more than just the environmental health work group and there was a meeting chaired by EPA with Agriculture, FDA and other agencies to explore mutual needs, interests and what we were doing. A follow-up meeting next year will get states more involved; 3) Pediatric lead exposure has been looked at in the United States for the past 30 years but is still a problem, although the lead program within CDC and within the EPA now is receiving less funding. One of the new things is using hand-held monitors which can allow you to, instead of doing venous drawings, do pinpricks in a little capillary, put it into a machine and in 10 minutes have a reading on what the lead level is. The technology is being used in a project in the El Paso area. With respect to advanced training, four scholarships have been awarded for public health workers on the border region; 4) The poison control center is an initiative that is Mexico

driven to look not only at poison control centers as individual entities, but more as central points along the border to alert us on both sides of potential problems and to link the laboratories, the poison center and the epidemiologist together to look at that data to see if there is a bigger problem.5) The GIS system again is looking at the pesticides project and linking that up with GIS to see how GIS can help with the pesticides project. 6) Neural tubes, which really brought together EPA, HHS, and the states, is still a concern. They still hear concerns about whether or not it has environmental connections and are hoping by the end of this year to report back to border communities what is known about the problem and how to target resources. One of them appears to be in the area of folic acid replacement prenatally.

He returned to public participation concerns, noting that all of this effort involves bringing together federal people with limited resources from other jobs they have. He emphasized that coordination itself takes time and effort and oftentimes the process doesn't move quite as fast as you would wish it to.

Mr. Fain asked if the incidence of spina bifida and anencephaly is higher on the U.S./Mexico border than it is in other population areas? Mr. Walling answered the incidence of spina bifida, the birth defect, is much higher in the southern and middle part of Mexico, less on the border and less further north in the United States. Mr. Fain asked if it appears to be due to folic acid deficiency. Mr. Walling answered that folic acid given early in terms of pregnancy has an effect on reducing the amount of spina bifida and of neural tube defects.

#### Department of the Interior Comments

The chair recognized Mr. McClure to speak about Department of the Interior programs along the border. He noted that three of the bureaus, the Bureau of Land Management, National Park Service and U.S. Fish and Wildlife Service, administer nearly 10 million acres within 100 kilometers of the border. Also there are millions of acres in trust for Native Americans in reservations along the border that the Bureau of Indian Affairs has responsibility for and other bureaus involved in various other matters which affect the border. He noted that in addition, the Department of Agriculture, primarily the U.S. Forest Service, is involved in managing two national forests along the border totaling 2.3 million acres; the Natural Resource Conservation Service is also very involved working with private property along the border. He explained that it made a lot of sense for both departments to participate in the development of the natural resources work group section of the Border XXI document in conjunction with SEMARNAP. He added that the Department of Interior is also interested in other work groups such as water and air and participates in those also.

He explained that the natural resources work group has identified three key objectives: 1) the exchange of information on vegetation, wildlife and other natural resources to support natural resource management decisions in the U.S. and in Mexico; 2) to coordinate natural resource management programs and decisions among federal and state agencies on both sides of the border; and 3) to conduct training courses, educational programs and outreach activities regarding natural resource management and wildlife and habitat protection. The binational work group met for the first time in February of 1997 in Phoenix, Arizona. At that time, they decided to divide the border into five regions to help focus more closely on some of the local issues and to get closer involvement of the people. For each area they identified regional priorities as well. They are also focusing on work with indigenous people such as the Tohono O'odham not only in the United States but also across the border. They also established an executive committee with a national coordinator on each side and for each of the five regions involving both federal and state agencies. The members of the sub-regions have not been established yet. He noted that Mexico, unfortunately, is not moving quite as rapidly as the U.S. In New Mexico, there are some additional concerns and at the moment things are on hold in New Mexico until those concerns are worked out.

Mr. McClure stated that 1998 priorities are to seek state co-chairs and to work with EPA and the state representatives in each of these regions to develop a public participation plan. The work group intends to hold meetings in each of the regions and hopes to do that in conjunction with some of the other work groups to get local involvement in the development of priorities. The U.S. is also encouraging Mexico to

use a similar process. The work group is also going to continue with projects identified in previous years, many of which are ongoing. They will also be involved in tribal meetings, including the tribal meeting next week in San Diego with a number of other agencies involved. He also noted that the Department of Interior and SEMARNAP entered into a letter of intent on adjacent protected areas and in that letter of intent two areas were identified: the Western Sonoran Desert, Organ Pipe Cactus National Monument, Cabeza Prieta, Pinacate, and the Big Bend area and its adjacent protected areas in Mexico.

He noted that, with respect to public involvement at the grassroots level, they work with the International Sonoran Desert Alliance, a grassroots, non-governmental organization which has members both in Mexico and the United States and has been very active over the years, and with the Tohono O'odham Nation which is taking a very active role in identifying issues and making their concerns for the area known and dealt with by federal land managers.

Ms. Teel asked how the Department of Agriculture is being involved and if Interior had considered using a member of the Department of Agriculture as a co-chair? Mr. McClure responded that they are involved, invited to all of the meetings at the regional levels, involved in the development of the documents, and invited in the public meetings that we hold. They have not been offered the opportunity to be a co-chair yet.

### **THIRD ANNUAL REPORT**

The chair introduced the topic by recalling that at the Board's last meeting it was agreed that the third annual report would focus on evaluating implementation of the Board's previous recommendations. The chair advised that he had sent a letter to each of the departments to get their comments about what had happened in response to the reports and had received very helpful responses. In addition, responses were received from Victor Miramontes of NADBank and from two of the states. He indicated that the Board would hear verbal summary briefings from each of the departments, from Mr. Miramontes, and from the state of Arizona.

#### **Department of Agriculture**

Mr. Stephens began by stating that the Board had proposed excellent recommendations, noting that he had participated in some of the drafting. He stated that the gist of the department's response is that the department has strategic plans that now address work as co-partners with the states, local governments, other federal departments, nonprofits in a joint partnership, and discuss how the Department of Agriculture uses its resources to affect communities along the border and throughout the U.S. in the areas of agriculture, rural development, preservation of forests, etc. He also noted that there are several border initiatives within the department including the Enterprise Community process with one Empowerment Zone in the Rio Grande Valley in Texas; two Enterprise Communities in the Imperial Valley area in California and Nogales, Douglas and San Luis in Arizona. He added that the Department of Agriculture takes the Empowerment Zone/Enterprise Community initiative very seriously as a way to work with communities to promote bottom up planning as opposed to top down dictating of federal regulations that hopefully can be a model for other federal departments. He also noted the importance of resource leveraging and partnerships with other federal agencies. He cited partnerships with state revolving funds as a very important addition to the resources available to border communities and very much needed in the border communities, and the resources of NADBank which will play a very large part in helping the rural communities meet their needs. While his agency focuses on rural communities, other partners focus on rural and urban issues creating a useful marriage of the two. In the area of conservation, he noted the recently enacted Environmental Quality Incentive Program (EQIP) as an example of the direction that this Board would like the Department of Agriculture to go.

Mr. Stephens introduced Jerry Gonzales, the Arizona/New Mexico coordinator for a binational Southwest strategy initiative that the Natural Resources and Conservation Service is promoting. Mr. Gonzalez indicated that the Secretaries of Defense, Agriculture and Interior have come together and asked the



federal agencies in the two states to start working together on four charges: 1) identify all immediate issues that have to be addressed in both Arizona and New Mexico, which of course impact the border area; 2) develop a framework by which all federal agencies will start working together to share resources and people; 3) develop a public collaboration process to get the private sector, farmers and ranchers and others involved in providing input into what issues and concerns have to be addressed; and 4) develop a Southwest strategy that will dictate how federal agencies and the private sector will interact to solve the issues in the Southwest, focusing now on New Mexico and Arizona. Unlike some of the other initiatives, e.g., spotted owls and salmon, this one is multi-faceted dealing with conservation and management needs in the Southwest. He advised that all three departments have been meeting since last August. He noted that EPA and other agencies will be asked to participate in the very near future. Mr. Gonzalez mentioned plans to set up an office in Chihuahua, Mexico as a multi-agency, multi-department office that it will meet the needs of the people for information, technical assistance, transfer of technology and research. The other part of the initiative is to develop a federal service center in Nogales or Juarez staffed by all agencies.

Mr. Summers noted that the border has not received enough attention and that it is the fault of people who live there. He indicated that key representatives in Congress know that the border is important, that it creates jobs in their state, and what has been done in the Rio Grande Valley because he has invited congressmen from other parts of the country to visit the border and to see the good things which are more important to see than the bad. He commented that every state of the union has jobs because of the opening of the border.

Mr. Flynn noted that two of the most controversial issues that we have in the Southwest are immigration issues and NAFTA. However, these two issues have caused the American people and the people of Mexico to focus together on these issues, of the great effects of these two controversial issues. He indicated that one thing local government does best is to bring everyone together because locals need to work with every state and federal agency to deal with local issues. He questioned how the Southwest strategy interfaces with the Border XXI strategy, and if two distinct strategies are being created that are not communicating with each other, the people involved, and the agencies involved. Mr. Gonzalez expressed hope that the Southwest strategy will bring all of the agencies together and help deliver assistance in a more coordinated way, but could not speak to duplication with the Border XXI processes. Ms. Kuhlman noted that the Southwest Strategy appears to overlap considerably with what Border XXI is doing, although Border XXI hasn't focused a lot on agricultural issues.

#### State of Arizona

The chair recognized Placido Dos Santos.

Mr. dos Santos provided general remarks about implementation of the Board's recommendations and highlighted some which may merit attention in the future, possibly in the next annual report. He stated that the Board's recommendations reflect a very thorough understanding of the issues that are faced along the length of the border, and the complexity and the multitude of issues which everyone is trying to address. He noted that attempts to address those issues have resulted in expenditure of very large sums of money by both nations and "endless man hours," essentially "playing catch-up" with development and growth which have led to environmental issues along the length of the border. He urged the Board to think about mechanisms which get us past "catch-up." He noted that the Board's recommendations are being addressed, not just by federal agencies but also by state and local governments, NGO's, academia and to a much lesser degree by the private sector. He noted two passages in the last annual report: "The shortage of adequate housing underlies many of the border environmental and public health problems, " and "The Border XXI needs to identify mechanisms for greater participation by industry". He suggested that these two go together quite well in that some *maquiladoras* are already implementing housing programs which have great potential to mitigate air quality problems, water quality problems, waste water management problems and environmental health problems in one swoop and we need to do more to promote this. He urged the governments to promote those kinds of programs. He also noted that the Board's

recommendations included a strong statement urging the governments to re-negotiate the NADBank's charter to authorize a reduction of its interest rates. He advised that the environmental ministers from the 10 states met in Tijuana a few months ago and strongly supported this. The NADBank funds have been made attractive through the availability of grants from the U.S. Government and from the Mexican Government, but when those grants dry up, it's not likely that the funds will be attractive. He cited the grants as an artificial means of reducing the interest rates. The poor economies of the border communities inhibit their ability to pay loans back without grants and will result in a catch-up situation once again in 2010 and in 2025. Mr. dos Santos also emphasized that maquiladoras generate great deals of revenue and pay taxes which are lost to the border region. He urged the Board to consider recommending that the U.S. Treasury and State Departments explore with Hacienda mechanisms for retaining tax revenues which are currently collected within the border region to establish a permanent mechanism for funding infrastructure and to create the capacity to pay for those things which NADBank can provide the financing in front.

Mr. dos Santos' cited air quality as probably the single environmental issue which affects the greatest number of people along the border and emphasized the need to implement control measures on both side of the border. He noted there are excellent monitoring programs underway which will provide a information and help convince the public that control measures are required, but greater leadership is needed on public education about the consequences of air quality.

He also urged the Board to support continued funding availability for the states, noting that state agencies are experiencing cuts in border funding as a result of congressional actions.

Ms. Swope expressed support for keeping resources in the border, and noted that a funding mechanism is already in place through tolls, although cities have not always chosen to use those funds to develop activities that might improve the environment. She urged making local officials more aware of the infrastructure needs because there are sources of income that are not being used effectively.

Mr. Summers cited positive changes in Mexico, including converting from burning tires to putting in electric furnaces, and emphasizing their migratory birds as a big tourist industry without hurting the environment. He stated that "all the bad habits of the people in Mexico are learned from the Americans but we can turn that around and teach them good habits and give them good leadership".

Responding to Ms. Hughes, Mr. dos Santos reported that the maquiladoras are providing housing in Sonora, Chihuahua, and Tijuana assisted by the Mexican Government. Employees contribute a proportion of their salary, e.g., instead of receiving 100 percent of their salary, they receive 80 percent and housing is provided for the employee but the employee doesn't have to remain with that company because it's the Mexican Government program. Ms. Hughes reported that in the Sonora area this winter, there was a freeze and families died because their only source of heating were small gas stoves and they sealed up their homes and basically died of inhaling the fumes.

#### North American Development Bank

The chair introduced Victor Miramontes, managing director of the NADBank. Mr. Marston noted Mr. Miramontes strong interest in the Board's work and Mr. Miramontes desire to have the Board receive accurate, timely information as a basis for recommendations. He referred members to a letter from Mr. Miramontes in their folders that had been provided after the September meeting.

Mr. Miramontes stated that while money is a critical element, institutional capacity must also be in place, otherwise money actually creates a bigger problem. He expressed concern with the pressure on him to spend money improperly; he noted this is against the Bank's interests and it won't do it.

He noted that there is not enough money, and provided information about why the bank can't lend at a lower rate. If the bank had received \$3 billion, it could lend at zero interest rates or even at negative interest rates. However, the Bank has received total capitalization from the U.S. Government and

Mexican governments of \$202 million each. Based on this, a zero interest rate program would commit all of the money in 18 months. He admitted that is an option and the Board could recommend utilizing the capital that way. Alternatively, he intends to leverage the reserve funds into \$3 billion. This requires borrowing the money, and he requested creative solutions to borrowing money differently, i.e., how to subsidize the interest rate differently to bring down the interest costs. He noted that if you look at the U.S. SRF programs, they are subsidized and they must lend at least at their cost. For example, the state of Texas has received \$18 billion in subsidies from the EPA in the past five years, plus the state of Texas leveraged that even more. In the case of New Mexico, the SRF program is not leveraged and there is no borrowing. He encouraged the Board to help the Bank obtain more money and to help them drop the interest rates. He expressed appreciation to EPA for its support to the Border Environment Infrastructure Fund (BEIF). EPA gave the bank a grant of \$170 million to be spent in three to five years. "without grants the bank will not be effective, period." He added that "there will never be a pure credit approval, subsidized or not, until the bank has at least the equal levels of income as other parts of the country, at least. He noted, for example, that no other rural communities in the U.S. pay for their infrastructure.

Responding to Ms. Hughes, Mr. Miramontes noted that the Bank was allowed to invest the U.S. capital in non-risky ventures such as U.S. Treasuries. He would not comment about the Mexican Government's position about how they want to use their \$202 million. He stated that the Board of Directors has told the Bank "to invest and to generate revenues," but to borrow at a AAA rating, the Bank needs reserves and the capital is the reserve. The Bank can lend 20 percent maximum of the money, but the bulk of it must stay in reserves for us to go to the marketplace and borrow. He compared the Bank's capitalization to the EPA grants of \$170 million, noting that if EPA allocates an additional \$50 million, EPA single-handedly will have put more money into the bank than the entire capitalization by the U.S. Government.

He indicated that the Bank had three very clear problems the first day it opened its doors: 1) limited project preparation capacity; 2) insufficient financial resources resulting in a policy whose aim is in helping the weakest and poorest link first; and 3) the bank's lending requirements. He noted that the Board's recommendations are parallel to recommendations coming from state organizations.

He spoke to the recommendations related to better coordination among relevant agencies. He noted that the Bank has responded to these with 1) the institutional development cooperation program, funded with Bank earnings to deal with the first issue of institutional capacity; 2) the Border Environment Infrastructure Fund; and 3) formal and informal working relationships with agencies including EPA and USDA-Rural Development. He explained that he is transferring authority to take the lead with Bank money on projects for populations of less than 10,000 in California. He emphasized that the NADBank has only 28 people, of which 15 are professionals, compared to 120 people in Rural Development in California who know their communities better than the bank.

Mr. Miramontes explained the Institutional Development Program, which was approved in December of 1996 at a total of \$2 million. As opposed to BEIF, this emphasizes operating efficiencies to help make the utility run better. The program ran out of money immediately; the board of directors then approved a doubling of the budget to \$4 million. The program works on issues such as not enough users, not enough fees, bad accounting information using rate studies, audits, management reviews, identifying users, computers and software. Once these problems are addressed, you then have a basis to make the big investment. The program has been in 36 communities on both sides of the border, including colonias.

He noted that the Bank had provided \$16 million for Tijuana of total project costs of \$90 million, \$11.8 million in Juarez, \$425,000 for Nacume, and \$9.4 million for El Paso for the benefit of a colonia.

Mr. Summers asked if the money that draws interest couldn't be used to buy down the interest rates for an organization to go borrow the money somewhere else. Mr. Miramontes responded that this is the way the Institutional Development Program is funded. However, if you start using what you have, over time you diminish the capacity of what you can do. He added that inflation will also erode capital, which requires

that it be protected too.

Ms. LaRocque asked if there are other sources of capital the Bank can use. Mr. Miramontes responded that they are not a traditional development bank that can rely on sovereign guaranties making it totally different from the World Bank and from the Interamerican Development Bank. He added that they want to make the Bank self-sufficient.

He described three roles for the Bank: 1) an advisor on a community's current condition; 2) an investment banker "who tries to find every other source of money first that's better than your money", and 3) a lender of last resort that will be totally successful as an institution if it does not lend and finds money from other sources that's cheaper than the Bank. Ms LaRocque suggested approaching maquiladoras for use of their pension funds, for example. Mr. Miramontes responded that they would never invest in any border project with the exception of triple A rated projects, which means none of the money would go to border community needs. He cited Brawley, California as a success story. The Bank required them to take on some very strict covenants and to raise their rates 115 percent. The community has now dropped their cost of money two points.

Ms. Hughes asked if the Bank believes it is successful if it can leverage funds from another source to get a project funded and preserve NADBank funds. Mr. Miramontes responded that they would be perfectly successful if they get that far, but he doubts they will ever be in that position. The reality is they will probably be active in most Mexican loans and in most U.S. solid waste facilities, but they will never be a participant except for interim loans on any water or waste water systems in the U.S./Mexican border simply because there is a better system in place called the SRF program and they are a complement to the SRF program. The SRF program has large amounts of tax exempt funds and there is a subsidy within the funds for different states.

Mr. Banegas expressed his view that the agencies are headed in the right direction with changes that are facilitating better managed systems with longer life and use of funds that are available. He suggested establishing a clearing house that would put together funding requests for projects among eligible funding agencies and that the communities would be better served by doing something like that. Mr. Miramontes noted that this is the second job of the bank. For example, in Dona Ana County, Las Cruces, Dona Ana Village, they are working on a regional effort which includes Rural Development money, City of Las Cruces money, county money, the bank's money, and EPA money. The one gap the Bank found was hook-ups.

Mr. Romo asked what the most successful Mexican project has been so far and secondly, what the bank's position is on very small projects? Mr. Miramontes indicated that the most successful project is Juarez because Juarez has been struggling with solutions for decades and has now come up with a solution that works, privatization. Other projects on the border are virtually all grants. With respect to small communities, he noted that the goal is to help the weakest link first and that affordability policies provide that you must need the money more than other parties. On the other hand, he stated that they cannot be involved in design or studies, areas that small communities need.

Mr. Hardaker asked how the NADBank and the BECC work together to find the least capital, and operations and maintenance cost solutions for these smaller communities so that they can at least finance the minimum cost project. Mr. Miramontes described the Brawley, California process and how, through NADBank assistance, they looked at the present value cost of two alternative systems, including the operating cost of each facility over a 20-year period. The result was development of a regionalization project that drops the rate per month in the second community, Westmoreland, by approximately \$10 a month and drops the Brawley rate by \$2-3 dollars per month.

Mr. Stephens expressed understanding of the Banks' problems with unrealistic community and government expectations, requirements to operate at market rates, and the need for most Bank work in the future to be in Mexico. However, he noted they can work with U.S. communities that isn't necessarily

translated into direct dollars, such as bundling services and help to combine federal grants with the state revolving funds. He added that the basic issue still is there is not enough money. In Arizona, there is \$228 million worth of need on the U.S. side and that's understating needs of the tribal communities. Texas is a lot larger than that and New Mexico and California are substantial.

Mr. Canez asked if the Bank had considered the possibility of lowering its lending rate. Mr. Miramontes responded that for every point you drop the interest rate, you must get \$1 per \$100 from some source per year for as long as the loan is out. What most people need, quite frankly, is drop the interest rates four or five points. Either you have enough revenues, you raise revenues or you drop costs to solve this problem. He noted that he has been focusing on the cost side. For example, a septic tank works except it costs \$3,000 per household, more than some of the houses cost in some of the poor neighborhoods. An institute in Mexico City that has come up with a solar septic tank that drops the cost per unit to \$300.

## **PUBLIC COMMENT PERIOD**

Dr. Wadie Kamel, Director of Healthy Borders XXI, described his organization as coming into existence about the same time as Border XXI. Healthy Borders XXI, a new global initiative, includes several aspects which include environmental problems. It is headquartered at the University of Arizona Health Sciences Center, and is a World Health Organization collaborating center for border and rural health. He noted that almost every country around the world has problems with its borders as well as potentials for its borders. He has worked with the U.N. global advisory committee for health research which decided to make health in border areas a global initiative. This was submitted to the United Nations inter-agency committee for sustainable development, a body of 27 agencies in the United Nations, that also noted its importance. The importance is tying the environment to health for sustainable development. In addition, the US Border Health Association has endorsed the Phoenix Declaration for global healthy and safe borders for the 21st Century. He urged the Board to focus more on sustainability and noted that the border with Canada is also not safe from problems, e.g., equine encephalitis. He distributed copies of several reports: the United Nations' inter-agency committee for sustainable development; A Journal of Border Health, article which shows the policy analysis for the global initiative of healthy and safe borders; the World Health Forum report on health dilemmas around the world, and a two-page report in World Health Magazine which summarizes problems in a very brief form.

Mr. Summers emphasized that border residents need to make the rest of the country understand that a cholera outbreak in Tamaulipas will come across the border in McAllen. While we're working on projects to help on highways and bridges across the border, we also need to work on health issues. Dr. Kamel also cited problems with AIDS and tuberculosis. He added that he is searching for funding to do broader studies, while working on a U.S.-Canada border region project.

The chair introduced Dr. Xavier Leus, Executive Director of the Pan American Health Organization (PAHO) Field Office for the U.S./Mexican border. He described PAHO as an inter-governmental organization in which 34 countries of this region are members and which serves as a mechanism for countries to work collaboratively together. The U.S. and Mexico have chosen to utilize PAHO to work on the U.S./Mexico border and it's an evolving strategy. PAHO has tremendous experience in water and sanitation in Mexico. Most of the managers of the water utilities in Mexico have been trained in the PAHO process; some of the examples on low cost sanitation and water technology come from PAHO initiatives and programs. He offered to work with the NADBank. PAHO sees itself also as an advocacy organization and conscience of the world in some degree. One of the functions of inter-governmental organizations is to promote and contribute rational decision making to make sure that the world does the best kind of things that could be done in view of the limited resources and the technical experience we have. The organization maintains a holistic view of health; health is a concern of the entire society and many of the influences in health are out of the control of health. He referred members to a publication called Health and Environment and Sustainable Development, a follow-up to Our Planet Health made for the Rio conference, available on the web pages of the World Health Organization. He cited its emphases on issues of urbanization, population dynamics, energy, environmental equity. He urged a more

comprehensive study of the U.S.-Mexico border on these issues and offered the services of PAHO to assist in it. He urged research in five major areas: 1) a sector analysis for the U.S./Mexico border as regards water and sanitation, including development of a new master plan to guide NADBank in its project development and financing. He noted that needs of \$6 billion had been identified several years ago and these numbers have not decreased. 2) further development of indicators of environmental health needed for decision making; 3) training and research in environmental and occupational workers health, particularly epidemiology, and the process that would underlay successful cross-border collaboration and capacity building; for which there are some experiences but in a way limited some success but some failure as well; 4) health management of hazardous materials and contingency planning and management of chemical emergencies; 5) the process of social participation, including the availability and dissemination of information, i.e., risk communication strategies, that will reach border populations and help them to deal with the consequences of industrialization. He advised that the next annual meeting of the U.S./Mexico border health association will be in Monterey, Mexico from the 1st to the 5th of June.

Responding to Mr. Summers question about the adequacy of local emergency response planning, Dr. Leus indicated that Juarez is now trying to deal with 300 maquilas of which 150 are producing hazardous waste, circulating 1200 tons of LPG a month; they have 1600 tons of hydrogen fluoride. While there is preparation on each side of the border, the difficulty is the joint contingency planning and training for emergency staff in hospitals and other facilities to deal with toxicology. Mr. Summers urged more cross-training and special communications. Ms. Fiocco added that the Department of Transportation has a permit process for movement of hazardous goods. She noted that EPA has about 36,000 chemicals or substances on the list. There are training requirements for any U.S. facility. The U.S. operates under the U.N. Code for Packaging and also requires that all shipping papers and all shipments with U.S. either origin or destination carry a 24-hour emergency response number so that you can reach either the shipper or the consignee or certain places like the Chemical Manufacturers Association which have the MSDS sheets. She noted that the Department has also started Operation Respond, in Laredo and Houston, where it is trying to help coordinate all the emergency response people involved in a metropolitan region around major incidents. She noted that about half of all hazardous materials are fuel to heat or cool a home or business or fuel to power a personal or work vehicle. Mr. Summers also mentioned the Commercial Vehicle Safety Alliance, that operates with the International Association of Police Chiefs and U.S. and state departments of transportation to train owners of trucks in Mexico on the safety rules in the United States, resulting in less trucks now with safety violations.

## **FEDERAL AGENCY REPORTS**

### **Department of Housing and Urban Development (HUD)**

Mr. Winston Martin began by explaining that, originally, HUD was looked at as just another federal program to deliver federal funds to the states and cities. Following the disclosures about misuse of funding in the 1960's and 1970's, HUD now has recognized that it is responsible for monitoring the use of the funds and trying to determine whether they're being used as Congress intended. He noted that the housing part of HUD is the only program in the Federal Government that deal with housing. While you can't pass a bond issue for homes, HUD has been working with communities and other agencies to identify other sources of funds for non-housing infrastructure, including local bond monies. HUD has a community development block grant program, home monies, single family and multi-family monies, the FHA program, fair housing, Native American housing, rehabilitation funding, public housing and Section 8.

HUD is now focusing its attention primarily on improving living conditions. He expressed his pleasure at the increasing Board attention to housing. He noted that if we're not addressing the problem of trying to get people into sanitary and safe housing, we're not addressing all of the problems we're confronted with along the border and in lower income communities. More and more of the monies that HUD is delivering are going into environment-- in the sense of cleaning up areas, providing for housing and means of doing housing. In the 1200 colonias in Texas, in excess of 500,000 to 700,000 people are living without basic infrastructure. This has to be addressed at the national level as well as at the local level. He cited

establishment of colonia help centers that offer classes in self-help, have libraries of tools to people to help build and repair their homes; over 400 colonia residents in those centers have completed rehabilitation of their homes. He noted over 260 colonias in Texas have had septic tanks put in, and expressed his excitement to learn about the new solar technology and its prospects to dramatically stretching the funds. He described the consumer education program which helps families understand the limitations of "contract of sale" agreements. In the state of Texas, funds are being set aside out of the home and CDBG monies to buy contracts of sale from developers and put title in the hands of the property owners so that they have an equity in that property, own that property, and know that it's not going to be jerked out from under them. In excess of 700 families have already been helped. He noted that people in Washington and on the East Coast have no understanding about colonias. He uses a video, developed by the Attorney General's office in Texas called "The Forgotten Americans" to get their attention. That video alone has brought in excess of \$1,800,000 of interest free money through a foundation for work in the low income areas in the colonias toward housing. He added that there are other foundations and industries that need to be informed. HUD has amended its standards so that colonia housing standards are the same as those for the American Indian, which has made housing available to many more people. He emphasized the importance of getting assistance directly to home owners rather than the developers, and to educate people how to build a home and to help them stay on their property, and to find the septic tank that's designed now to meet this need. He indicated that two universities are working toward developing a good house that can be built for about \$20 a square foot, that will put a house within reach of a family for \$175 a month. He summarized that this is all coming about as a result of HUD redirecting their interest toward the livability of an area, the concern about housing, and helping people accomplish something that they're not able to do on their own. He added that everybody that comes to this table brings something to address border problems. He added that it cannot be done by one agency, by government alone, or by municipal entities; the private sector, foundations, and joint ventures must be involved.

#### Department of State

Ms. Elizabeth Swope reported that the Department conducts foreign policy and represents the President and the rest of the Executive Branch in negotiating with foreign countries. She noted that this has raised questions about agreements reached directly with other countries when the other agencies are not involved directly in the negotiations. She cited the Board's recommendations related to the applicability of the Air Quality Management Basin and the Joint Air Quality Advisory Committee in the El Paso-Juarez air shed as a model that might be used elsewhere in the region for addressing air quality as well as other trans-boundary environmental problems such as water, hazardous waste and health. While the State Department is not the action agency, the department supports replicating these things elsewhere if they're successful. She added that the Department is engaged in Border Vision 2000, an initiative that grew out of the Binational Commission meeting in Mexico City in May of last year. A border working group has been formed to start with some model projects, although not environmental at this time. The objective is to select projects in a variety of areas that might be able to break new ground, involving all levels of government, and to potentially replicate them in other parts of the border. The four broad areas are environment, social development (which includes education and health), economic development, and application of the law. Working with state governments, the department has just finished a lot of field work on the U.S. side from Brownsville to San Diego, in order to present something for the two presidents next May. She noted that she had brought copies of the La Paz Agreement and all of its annexes and would provide copies to anyone interested. Annexes cover cooperation with Mexico on border sanitation, hazardous substances, a joint contingency plan, air pollution caused by copper smelters, international transport of urban air pollution,

Mr. Fain noted that there is not enough data on the Mexican side, or in various U.S. locations to effectively characterize the problems throughout the region. He stated that 80 percent of the traffic goes across through Laredo but nobody has comprehensive data. Ms. Swope added that one of her responsibilities is to permit new bridges across the Rio Grande and to jointly give approval for the new border crossings that are land crossings. As part of that, she follows NEPA very closely because obviously it's a significant federal action involving 14 other federal and state agencies in the process and

there's often a great deal of mitigation that has to occur where an original design of a bridge doesn't meet environmental or historical, cultural requirements and is redesigned. She emphasized that bridges permitted in the last couple of years are being built outside of metropolitan areas and commercial traffic and all hazardous material traffic is being routed to specific ports of entry that have new modern facilities and are outside of population centers. The examples are Laredo and the new land crossing at Mexicali/Calexico.

She reported that the U.S./Mexico joint response team has recently prepared an updated U.S./Mexico contingency plan for prevention of environmental emergencies caused by spills and fires and explosions of hazardous substances in the inland border area and it should be signed by the two governments in the near future.

Responding to Mr. Fain's question about the transboundary environmental impact assessment agreement between the U.S. and Mexico, Ms. Swope indicated that there is no Executive Branch position yet. Mr. Fain indicated that the NAFTA deadline for this agreement has passed but all three countries are close to reaching an understanding. He urged the Board to pay very close attention to the negotiations. Using the example of Carbon 1 and 2, under the right kind of agreement the various state, local and federal authorities would have been notified well before Mexico actually made its commitments on the mining of that coal and the construction of that plant and we would have had an opportunity to comment and participate. Sierra Blanca, a Texas dump site, is another example of the need for notification and consultation. Mr. Fain also asked about the agreement with Mexico on notification of oil spills in the Gulf of Mexico and in the Pacific. He noted that sooner or later there will be a major spill in the Gulf or in California and a more effective system has to be put in place to deal with that on a binational basis.

Ms. Swope compared the different legal systems in Mexico and the U.S. In the U.S, we work something out and then write an agreement. In Mexico, it is important in a juridical sense that there be an agreement fairly early in the process and then the work begins to support that framework.

Ms. Fiocco reported that the Coast Guard has put together a national oil spill team. Mr. Fain reported that there had been joint drills in the Gulf of Mexico where the U.S. had about 150 people from state and federal agencies and Mexico had three, plus language was a barrier.

#### International Boundary and Water Commission

Mr. Robert Ybarra represented the IBWC. He cited the IBWC's policies on sustainable, holistic and water shed approaches; the importance of communications particularly in the case of spills in the river, and IBWC's efforts bringing it from the old paradigm of waste water infrastructure to the current paradigm. He explained that IBWC is an international organization composed of two sections, one in the U.S., one in Mexico. Each section is headed by a presidential appointee in the respective country with a small staff, 250 people on the U.S. side, 150 in Mexico. The organization's authority began in 1889 as an international boundary commission, although there were earlier beginnings in 1849 to mark the boundary. Their work has evolved based on a number of treaties and other commitments.

With respect to the Board's recommendations on addressing water quantity issues, he indicated that water quantity issues are within the purview of IBWC. A 1970 boundary treaty gives the IBWC a number of responsibilities having to do with flood plain management and providing some degree of natural restoration to the rivers. In the lower Rio Grande Valley, the drought of 1992-1993 gave them a unique experience to work out a loan arrangement of water with Mexico and at the same time increase the dialogue between both countries bringing in the water sectors from the lower Rio Grande Valley and counterparts in Mexico to find better ways of modeling and develop better knowledge of the water system. IBWC is still in charge of operating and maintaining the international Amistad and Falcon Reservoirs which are the life blood for that region. They also have had a number of agreements tied to the Colorado River for water that is delivered to Mexico, the manner in which it's delivered, and the quality of that water. He noted that, with NAFTA, IBWC is under pressure to take a different view in the manner in which deliveries are made to



Mexico, on the quality of the waters delivered to Mexico, and data gathering beyond the 24-mile reach of the Colorado River.

With respect to cooperation on waste water infrastructure, they have developed projects based on what the Congress told them at that time, i.e., extensive, high tech projects. As a result the difference in the cultures and the economic capabilities of either country, they have a number of projects that have a long term exposure of government subsidies but are moving to wean the Federal Government out of some of those high cost areas and to work with the NADBank and local communities to build capacities so they can carry these projects out. They have used resources from the EPA, \$47 million (\$10 million of which went to the RioGrande and the other were retained by Region 9), much of which was for a facility plan of five Mexican communities on the Rio Grande and on the land boundary, Nogales and Mexicali to meet the expectations for certification by the BECC. They expect those five projects will advance enough for BECC certification in 1998. He noted that the treaties provide room for the IBWC to interpret some of the clauses to allow them to do data gathering, facilitation of information, planning on the boundary rivers.

He also described the IBWC as a coordinator of agencies, with the ability to allow equipment and personnel to cross from one side to the other unimpeded. In this respect, they are able to respond to projects without a problem of liability and their people can move back and forth without Immigration/Customs restrictions. Sometimes, as a partner in efforts, they have been able to use deputizing to be able to move equipment from other agencies working on their behalf to the other country. IBWC has been a partner with EPA before LaPaz and continues to be very active in the Border XXI water work group. They have strong relationships with Interior also with the natural resource agencies and the Bureau of Reclamation in management of the Colorado River.

Mr. Gonzalez asked if there are going to be increased releases from the Yuma area into the Mexican side on the Colorado River. He advised that the bypass drain will be reopened; in the Sanchez Maporada Canal, 120,000 acre feet a year flows through there under treaty; the main stem of the river will have very little water in a dry year although currently there are flood releases out of Hoover Dam.

#### Department of Transportation

The Department was represented by M.J. Fiocco. She referred to handouts that provide a comprehensive look at all the border initiatives. Many of them are funded out of the surface transportation programs. For land border crossings, one of the things that isn't in the report are the normal flows of money that go through the state transportation agencies and through the metropolitan planning organizations that are available for infrastructure development. These funds are governed by transportation plans that have both a 20-year and a 3-5 year outlook; only programs or projects on approved lists are allowed funding. She emphasized the need for coordination of transportation plans and land use plans.

She described several departmental initiatives, not all focused on the border but having applicability there. She noted that Texas and California have been given permission to create state infrastructure banks. The Federal Transit Administration has a program called livable communities that has been used to integrate child care, education and transit to help redevelop a distressed area and to provide it in a way for sustainable development. These initiatives could be used as a model for the border. There also is a proposed Welfare to Work program that would make available \$600 million a year to help people with transportation to and from jobs and job training. The Department is also working with HHS to see if it can't better organize how its billion dollars of health related transportation is leveraged against DOT's para-transit dollars. In terms of hazardous materials, the Department has done a new commodity flow survey to provide a better picture of actual goods flow. There's also work being done supporting the North American Trade Automation prototype, an effort by DOT, Treasury, Justice, Customs and INS to create a single federal data base on trade to make automated processes easier for businesses and industries moving goods, and to find out what's moving.

She also mentioned the Joint Working Committee comprised of members from Federal Highway and Federal Transit Administrations, as well as representatives from the State Department, the Mexican Federal Government and the U.S. and Mexican border states. It just finished funding a \$2.4 million dollar study on trade flows and border processes to be used to develop an implementation program for infrastructure for intermodal facilities. The Federal Transit Administration just funded an intermodal center in McAllen which discovered that, although people are willing to work, they don't have the flexible transportation needed to get them there. Based on the study, McAllen is developing a model project using a non-fixed route system.

Ms. Swope also added that the Land Transportation Safety Standards Committee is also working on harmonizing bills of lading to speed the shipments across the border and reduce air pollution. She also emphasized the importance of coordinating new crossings with highway link-ups in both countries, but noted that this is complicated somewhat by differences in the two countries highway authorities.

Mr. Stephens urged better federal and state coordination of welfare reform and its impact on the border to address transportation and housing issues to reduce the negative impact of welfare reform in some of these communities. He urged the Board to consider addressing this in a recommendation. Mr. Walling noted that there does not appear to be the same problems in the health area. Ms. Hughes endorsed an effort to gather impact information from the border states before the next meeting.

#### Department of Health and Human Services

Mr. Richard Walling represented the Department. He began by referring members to the Department's written response contained in their folders, and noted that he expected to provide additional written information later. He also provided additional information. He cited "Health Finder" within the HHS Internet which hyperlinks to 1,000 web sites and nearly 12,000 selected on-line documents within the Department. He also referred to "MedLine" another source from the National Library of Medicine, that gives access to the most extensive network of published documents on health in the world.

He updated members on the Border Health Commission. In 1994, Congress passed legislation asking the President to enter into an agreement with Mexico to establish a U.S.-Mexico Border Health Commission. The Department of Health and Human Services did not pursue it due lack of appropriations. Congress last year funded a U.S.-side Commission with \$800,000. The Department has also asked the State Department to approach Mexico about making the Commission binational. He also noted that they are working with the White House to initiate the process of getting nominations of the 4 border state governors to staff the commission. The commission is made up of 12 members, including the state health officers from each state and two people appointed by the governor of each state. The Secretary chairs the commission. There are a number of things that the commission is charged with including a border-wide assessment; there is a questions whether that is really needed. The Department is developing a steering group to start work that the commission will need to have when it meets as well as probably representation from Congress to start to formulate what needs to be done for them to start moving ahead. He also mentioned a process that has been underway since the late 1970's called "Healthy People 2000". This process involves HHS and other departments in establishing goals and objectives in disease prevention and health promotion. Healthy People 2000 has over 22 categories of these, plus 144 goals and objectives. A number of those goals and objectives that were established early on have been achieved. Each of the 22 groups and objectives are reviewed annually through a series of steering committees that are represented by the government, NGO's and others. He stated that the department is now starting the process for Healthy People 2010, including a web site put up for public comments. There is a section on environment which has generally adopted EPA's goals and objectives. He noted having extracted Border XXI goals and objectives as a way of getting that process into a national agenda.

#### Department of the Interior

Mr. Beau McClure indicated that he had provided his briefing in conjunction with the Border XXI

discussion, and that the Department had also provided written materials that were included in the members' folders.

Mr. Fain asked about the status of the Geological Survey border mapping program. Mr. McClure responded that all the aerial photography on the U.S. side had been completed last year and they are proceeding to get the products out. He noted there has been quite a bit of work done on the Texas portion and they are working on specific areas in the other states. He stated that the budget is about \$2.4 million in 1997 and 1998. Mr. Fain expressed his compliments for the work that had been done getting baseline data together on the border. Aerial photography is continuing on the Mexico side on specific high priority areas along the border. Mr. McClure also mentioned a project on shared water resources with Mexico based on eight different sub-regions that is producing a series of fact sheets.

Mr. Flynn asked if overall water quality is worsening, staying the same or getting better. Mr. Ybarra responded that the Colorado River portion of Arizona has had increases in salinity from time to time although high flows provide some dilution; Title 2 of the Salinity Act requires salinity be maintained at a certain maximum level as the river enters Mexico. As far as toxicity, USGS and EPA are conducting a toxicity survey for the Colorado and the New Rivers. The New River still has high levels of toxicity and very high levels of bacteria. The Colorado River has some pesticides as well as other background toxics. The Tijuana River has not had a toxicity survey, but they do maintain bacteriological information which shows less discharges of sewage in the river than before the international waste water treatment plant.

#### Environmental Protection Agency

Ms. Pam Teel responded for EPA. She noted that in addition to the 16 recommendations that were assigned to all agencies and departments, EPA had an additional 38 to respond to. She noted that EPA had provided a very detailed written response to the recommendations. She noted one recommendation regarding the Good Neighbor Board and the Consejo Consultivo sponsoring a binational border-wide conference to review the status of Border XXI implementation. She indicated that the governments will report each two and a half years on the Border XXI process in 1999, including a major public outreach effort on program activity. Mr. Walling emphasized that the biennial report is a progress report, not an evaluation report. He agreed that this might be a good opportunity for the two committees to hold a conference with all the working groups making their reports. She also noted a recommendation on development of binational indicators and referred members to the draft environmental indicators report. Ms. Teel advised that EPA does not have responsibility for groundwater management issues and referred those issues to other organizations. Mr. Fain urged the Federal Government to exercise leadership in dealing with groundwater and trans-boundary aquifers. There is no agreement that allows states to apportion groundwater between the U.S. and Mexico and there are a number of aquifers in danger of either depleting or degrading. He urged that this issue needs to be kept on the Border XXI agenda. Mr. Ybarra noted that data has been lacking to resolve the issue and that there have been different postures in the different states. IBWC has worked with EPA and Texas to develop aquifer data, to be followed by a joint modeling effort to determine how much is there; migration flows of pollution and terms for management of the aquifer. He also mentioned treated effluent wash into ephemeral streams that is a valuable resource for groundwater recharge.

#### Board Discussion of the Third Annual Report

The chair opened discussion of the next annual report based on the written responses and the preceding agency updates. He cited some likely difficulties converting the large amounts of information received from the agencies into a readable, useful report that talks about progress. He reminded members that the next report may not necessarily incorporate any new recommendations. He asked the members for guidance on what direction Board members want to go with the report. Mr. Summers urged appointment

of a work group to draft a proposal for the committee. Ms. LaRocque suggested highlighting recommendations that arose during the morning's discussions about what still needed to be done and also from the public and develop those into a short report.

Ms. Fiocco and Mr. Marston urged that the Board focus on revisiting its previous 119 recommendations, rather than come out with 25 more. Ms. LaRocque expressed her view that the Board has not been very successful in the past with "score card" evaluations, .i.e, the matrix which reflected members' reluctance to be judgmental. She suggested developing an executive summary attachment listing accomplishments and shortcomings. Mr. Walling stated his belief that the agency reports show a very positive response that should be emphasized. There was general agreement that the report should not attempt a quantitative score, but rather be a generally positive, qualitative report on progress while also picking out those recommendations where action is still really lacking. Ms. Saxod also endorsed including some of the new ideas that had arisen during the morning discussions, such as welfare to work. Mr. Fain endorsed a combination of issues that have not been dealt with yet as well as recognizing what the agencies have done. Ms. Swope added that some of the Board's recommendations were based on naive assumptions; we weren't always right about what was going on already. Ms. Fiocco urged consolidating the recommendations into 4-6 themes and trying to make the report as short as reasonable. Ms. LaRocque highlighted the amount of overlap among recommendations and the large number of possible themes although the report is much more cohesive if you can put it into themes. Mr. Martin proposed placing more of the burden on the individual agencies to summarize the progress that they see and to identify the issues that they see still need attention, including types of solutions.

With respect to a question on time lines for completion of the report, Mr. Hardaker responded that he expected the Board's decisions will create a time line and that there is no statutory deadline for submission other than annually. He reminded members that the Board still needed to discuss joint efforts to be defined in more detail with the Consejo and the implications of those for inclusion in the annual report. He also emphasized that the Board in its report could be a vehicle for conveying successes to people who wouldn't see them otherwise and to make the report a good news story to the extent possible. He concurred that there is value in brevity, but that should not override reporting on the amount of progress that has been reported. Mr. Hardaker also advised that, in addition to the agencies, very important recommendations were also developed directly to the Congress. He has been trying unsuccessfully to find a way to get a response from the Congress to the recommendations that related particularly to legislative action. In terms of organization, he suggested that members consider using the major headings from the 1997 report.

Mr. Walling urged the Board to consider also getting involved in setting national goals and measurable objectives to help make sure that border concerns get into a process and where progress is.

Mr. Flynn agreed that brevity is important. He expressed his pleasure at many of the accomplishments and progress that has been made. He emphasized that cooperation is taking place, there is good communication among the agencies, there's a clear path and we're all on that path--that needs to be communicated to the Congress and the Administration and the Board is the one to do that. He added that there were some new ideas that need to be looked at and perhaps adopted as a recommendation.

Ms. Kraus urged that the Board not lose what the Board has done over the last few years and the recommendations that have been made in the past. She agreed it would be appropriate for a smaller group of people to do some serious strategizing about how to generate and write these reports in a way that's not too draining on the volunteers but that also presents the information in a very clear concise manner. With respect to structure, she noted that there is a format that's worked before in the past.

Responding to Ms. Swope, Mr. Hardaker indicated that the Board has never had a direct response to its reports from the President or the Congress. Mr. Flynn noted that he received very complimentary responses from two Congress people. Other members also have reported receiving responses to letters and copies of the reports they have sent.

The chair proposed to form a work group that will translate what the Board has in writing and add the comments received today into a qualitative evaluation of some, but not all, of the recommendations. The report will praise where it's appropriate and identify needs for further improvement as well. The chair also expressed willingness to incorporate new recommendations, a maximum of 25 or so.

Ms. LaRocque urged using the headings from last years report which also highlight the Board's interests in sustainable development and is the overriding goal of Border XXI. Ms. Hughes agreed that continued emphasis on sustainable development is vitally important. She and Ms. Kraus also emphasized the importance of Board members reaching congressional members and staff personally to discuss and promote the recommendations.

The chair reported on the process of delivering annual reports. There is official distribution to the Speaker, President of the Senate and the President; some copies are mailed by staff or Board members to people that are on our lists; individual members also are responsible for contacting congressional members and staff. He added that the Board has talked about having an organized effort to walk the report through the halls of the Capitol, but EPA cannot legally fund that. Mr. Hardaker added that, through EPA's own congressional office, he mailed about 250 copies to key members of Congress that have some responsibility for the border, provided at least 50 and 75 copies to each member, and has sent another 300 to his mailing list. In addition, 2,000 copies of the report have been printed in Spanish, with thanks to Ti Canez for translating, and distributed to EPA border offices and to Oscar Romo for distribution in Mexico. Ms. Swope added that copies were officially presented to each government during the meeting of the Binational Commission last June. Mr. Flynn urged that the Report and the concept of sustainability needs to continue to be brought to the attention of city councils, boards of supervisors, et cetera. He indicated that he had presented the report orally to the Southern California Association of Governments, made up of cities and counties in Southern California.

There was discussion about forming a work group to address this. Mr. Gonzalez urged providing it to Congressmen, Mexican counterparts, and media. Ms. Hughes requested that a meeting be set in Washington where members could brief congressional officials. Mr. Hardaker explained that there are two restrictions: the Board's charter requires that it meet at the border and there is a legal restriction to use of government funds to travel anyone to Washington for the purpose of lobbying. Mr. Fain noted that he would try to find private funds to do this. He also questioned if a subcommittee could ask for a meeting with the Counsel on Environmental Quality staff and the relevant OMB staff so when a request came through the budget process, assuming it would be supported by EPA, there would also be support from the White House and OMB.

With respect to report format, Mr. Canez expressed preference for using the headings in the existing report, rather than headings such as transportation, economy, et cetera. Mr. Walling supported retaining the same headings and overall format each year so that senior officials in the departments and in Congress will be somewhat familiar with the format and be more comfortable in reading through the report. He noted that he had sent reports to every division head, plus everyone on the DHHS Environmental Health Policy Committee, as well as targeting particular parts of our Department that have some activities related to environment and health such as the National Center for Environmental Health. Mr. Fain urged that the report be written in such a way that there are very specific recommendations that call for action by each of the federal agencies. For instance, if you want to expand colonias activity and funding to California and Arizona, that becomes a recommendation that goes to EPA to go into the EPA legislation.

Ms. Swope recommended that the Board follow the same process as last year, i.e., an ad hoc committee does the initial draft and at the next meeting there would be an editing process with the committee as a whole.

Ms. de la Torre suggested obtaining comments from congressional staff and border constituents about how they would like the report formatted so that once the report comes out, because they already have buy-in, there probably will be a response, not just a thank you for the report. She suggested that this could also

be addressed by a work group on public participation. Mr. Hardaker added that while the reports we write are officially directed to the Administrator of EPA or to the President or to the Congress, as a practical matter we're really writing to the individual federal agencies, state agencies, local communities and non-governmental organizations to provide them ammunition, information and leverage. He emphasized that the most important audiences are key people who will do something with the recommendations at the local level and in the individual agencies. He agreed that reaching the Congress is especially critical because the recommendations that haven't been implemented are essentially the legislative recommendations that the Board directed to the Congress. Mr. Miramontes urged the Board not to under-estimate its power because the border publics view the Board as reporters of conditions along the border. He urged that the report be brief and accurate. He also urged the Board to identify a key Congressman and Senator who will agree to be its "champion."

The chair solicited volunteers to participate in report drafting. Members would identify possible recommendations arising from the current meeting, and identify agency actions in response to recommendations that the Board can praise or ask for additional work. Mr. McClure urged that the agencies be provided an opportunity to review the final draft before it goes to press to help assure accuracy. The chair concurred, adding that others such as NADBank would also be provided an opportunity to comment.

The committee recessed to reconvene at 8:30 a.m. on January 30, 1998.

### **January 30, 1998**

The committee reconvened at 8:45 a.m.

### **Coordination with Mexican National Advisory Council for Sustainable Development**

The chair recalled that the September joint meeting was an exciting experiment. It resulted in a joint communique, plans to get together yearly, and agreement that each group would try to send liaisons to each other's meetings. The Board will send liaisons to the meeting of the Region 1 Advisory Council for Sustainable Development (Consejo) in Chihuahua City February 26-27.

Mr. Marston stated that this time on the agenda will be used to confirm a work plan for the coming year with the Consejo, and to figure out how we write work with the Consejo into the annual report. He added that he and Mr. Hardaker had met with Mr. Romo in San Diego in late November planning next steps focusing on sustainability indicators and what the two groups could do to further the role of industry in this effort.

### **Sustainability Indicators Project**

At this point, he opened discussion of sustainability indicators, and how that fits into the Board's work as an organization and into work with the Consejo. He asked for people's ideas about what kind of measures they've used in other settings when they are trying to apply sustainability in other settings. He also referred members to written material in their packages on sustainability: CERES Principles, Report of the President's Council on Sustainable Development, the ICC Business Charter, and US. Final Draft Indicators for Border Communities.

Mr. Walling suggested that a process should first identify the goals and objectives you want to measure, then set the indicators. He added that things don't get measured without a cost so if there are measurements that are already being done it's often better to utilize those rather than come up with a new set of indicators that you would have to commit some kind of resources to. Mr. Gonzalez urged having an idea of the magnitude of each problem to be measured so that there can be appropriate reductions proposed and tracked.

Ms. Weber described the development of the Border XXI indicators. Each work group worked with their Mexican counterparts to develop indicators by looking at their long term goal written in Border XXI and their yearly projects and thought of what they wanted to measure. She added that there are also national and regional program based indicators. In some areas, for example pollution prevention, the work group had to come up with measures specific to the border. Ms. Laird-Benner added that Mexico did quite a bit of work with their states.

Mr. Nehmad (SEMARNAP) explained that Mexico started working on indicators about one year ago in agreement with EPA and DOI to work together on a set of indicators to allow both countries to evaluate what they are doing, in terms of both projects and impact on the environment, and to organize the work. A second objective was to inform the public on the state of the environment in the border. Every work group developed their own indicators through a long negotiation. It was complicated because each country often had different and incompatible data. At the end, however, the indicators that were developed are good for both countries. In Mexico, the process had the added advantage of improving contact with the states and with the public. Meetings were held with each of the states, and with NGO's, the private sector, municipalities to discuss indicators and to get their reactions. At the conclusion of this process, each state decided they wanted to build their own system of indicators. The government decided this was fine because they want border-wide indicators as well as state and region indicators. They worked with three states to help them build their own set of indicators. From the Mexican point of view, the indicators were a way to not only to organize work but also to let them know exactly what to do and what they can't do in the future. They are now constructing specific performance objectives. For example, by the year 2000, increase access to potable water from 88 percent to 90 percent, taking in account that the population is increasing all the time, and water treatment to 75 percent of people at the border from 34 percent in 1995. The government also is planning this year to ask a Mexican university to prepare a progress report on the state of the environment in the border based on the indicators and to give this report to the public. He added that the government also wants to develop an information center with a lot of public participation. He expressed support for establishing an arrangement with universities on both sides of the border to work together on a binational report.

Mr. Ybarra commented on the differences between environmental indicators and sustainability indicators. He noted that the water work group essentially focuses on environmental indicators that are quite similar on the both sides. The work group considered the types of limitations which Mr. Walling mentioned, i.e., resources necessary to have a good baseline that is consistent and availability of good historical data. He emphasized the importance of linking measurements with resources available, i.e., it would be nice to have 18 indicators but start with 5. He added that sustainability indicators are nice to have but move you into population controls, and other sensitive issues. Mr. Marston agreed that the Board needs to recognize that environmental indicators are not necessarily measurements or sustainability indicators, although they could even be the same.

Mr. Hardaker also suggested that the Board consider using this process to refine the Board's vision for the border region. He noted that there has been a vision statement in the front of each report identifying the elements the Board would like to see in the long term. The work done on the matrix and the way the Board described the resulting sustainability measures added another look at it. He added that the materials from the President's Council for Sustainable Development (PCSD), CERES and the Business Council add elements of a "vision" as well as indicators reflected in the PCSD work and in the Environmental Indicators report. He urged the Board to consider these materials and use this project to add to the visioning work done in the past.

Mr. Stephens concurred, noting that the President's Council on Sustainable Developments report talks about some "We believe" statements, i.e., "some things must grow: jobs, productivity, wages, capital, etc; others must not: pollution, waste, poverty". He stated that sustainability is going to depend on how residents on the border can, over the long term, pay for things like water and waste water systems and for operation and maintenance. He added that in Mexico the issues are much different than they are on the U.S. side but they're significant on both sides. He noted that welfare reform has an impact because it

reduces the amount poor people are able to pay for some of these things which deals with the issue of sustainability. Ms. Hughes also agreed, adding that the Board needs to integrate respect for and an understanding of cultural differences because every nation is multi-cultural.

Mr. Fain emphasized the importance of having baseline measurements and assuring that baselines get developed and recognized so that our understanding is mutual on both sides of the border. How are the data to be compiled? Who decides on formats and data standards? how is all the information to be displayed? how is the information to be made available and shared?

### Sustainability Measures

The chair recalled that the communique talked about the two groups trying to define for a number of entities, including the Border XXI effort, what they thought was movement toward sustainability, or what really was sustainability. There was discussion about jointly developing a definition of sustainability and some indicators by which those in the field judge how much their actions were in line with sustainability principles. He emphasized focusing on a small number of indicators as a way to start judging was what we're going to talk about. He asked Mr. Romo to provide another Mexican perspective on the value of this and priorities of the Consejo?

Mr. Romo noted that the Consejo is a completely different setting than the Board. There are no federal government representatives. The Consejo advises SEMARNAP but the two don't necessarily agree on everything. The Consejo covers a broad range of things going well beyond Border XXI to issues that are more related to policies for mainland Mexico than for the border; there are at least three states that doesn't belong to the border region, Baja California Sur Sinaloa and Durango who feel frustration when they discuss Border XXI or BECC or NADBank issues. When they discuss indicators, they find themselves confused about what border indicators should be and what indicators for Mexico should be; there are big differences. He suggested that the Consejo would like to see a small number of indicators, well defined, probably related to water, hazardous waste, and to natural resources. He cited considerable differences in opinion from the federal, state, regional, and city levels. He proposed joint discussions about a set of indicators that may be compatible in all five border regions, and then what the President's Council for Sustainable Development sees as sustainability against our own definition of sustainability. He noted that SEMARNAP is focusing on a bigger picture so it will be important for the two groups to send the right message to all federal authorities about what border indicators should be.

Mr. Fain suggested that the Board recommend that each major agency pick one or two indicators that would be border-wide, e.g., the number of houses without bathrooms, the number of unpaved roads, the level of fecal chloroform in water samples across an area, the amount of SO<sub>2</sub> in the air, and then make that widely available to the public. It might be a way to show progress and show what can be done by the sharing and use of information.

Mr. Marston emphasized that this effort is also intended to help engage industry along the way, for them to judge some of their activities.

Mr. Canez cited a report on the United States by OECD which evaluated the U.S. on a macro-scale, e.g., the number of wetlands, forests, energy used, population, potable water supply. It also compared different countries. He stated his view that it was a very interesting way of evaluating the state of the environment on a macro scale and suggested that the Board should also look at it to see if something like that could be utilized on the border region.

Ms. Hughes suggested forming a work group to look at existing indicators and to report back to the committee.

Mr. Bernal recalled the BECC's efforts in developing its sustainability criteria. He cited the need for identifying what elements of sustainable development we can focus on, and also reviewing what the BECC



has done in that area. He urged identifying just a few measures.

Mr. Klein emphasized the importance of simply letting people know in a manner that they can understand what it is that you do so that everybody knows. He urged that the effort also assure that whatever information is selected is made available to the public at large. Ms. Swope strongly emphasized the need to avoid duplicating the considerable work already done in this area.

Mr. Romo cited where efficiency for Mexico is completely different than efficiency on first world standards. For example, they can accommodate a family on the back of a pickup truck while for the U.S. standards a 1,000 foot apartment would be small. On water treatment, keeping some of the nutrients in the water is useful for reuse. If the final goal is to improve quality of life, we should balance those differences and perhaps the indicators should show that efficiency is not against standards but just another approach of getting to a higher standard of living.

Mr. Marston presented several concepts of sustainability: leaving the world and its individual resources in at least as good a condition as when it was received from the previous generation; the use of the resource does not exceed the ability of the resource to replenish itself or be replenished by external forces; the total pollution put in the environment from all sources in a particular area will not exceed the carrying capacity of the receiving media; for every finite energy source consumed, an equal investment in renewable resources to make up that loss will be made.

He noted agreement that the Board should not take on tasks too big, i.e., use 18 or 20 indicators and also ought not to duplicate the work of other people. He also noted important elements from Mr. Romo's comments. He emphasized the importance of the two groups agreeing on a clear definition of "sustainability."

Ms. Fiocco urged the Board to be as specific as possible if it hopes to reach industry. She noted that Fortune 500 companies think in terms of quarters; their strategic planning time lines are 18 to 36 months; medium and small time business attention span is in weeks.

### Binational Project Matrix

Ms. LaRocque recommended against doing a binational matrix. She noted that the U.S. matrix was an early attempt to try to quantify how agency efforts to date were working towards what the Board defined as sustainable development, but it was a very time consuming process.

Mr. Hardaker recalled that when the Board decided to do the matrix, it was simply to find out what the Federal Government was doing. Subsequently, the Board took the next step to put some criteria against that information to see then what it meant from its own definition of sustainability, but the initial project itself had value to the public and to the federal agencies and made a real contribution to coordination among the agencies. Speaking for the Consejo, he noted that, as a first step, it would be very valuable to know what's going on the Mexican side at least from the standpoint of SEMARNAP. He added that it could be very interesting to have a binational matrix looking at the interconnections of U.S. and Mexican side projects. Mr. Romo cited the great potential value to them of the information and that the Consejo has been trying to organize itself to gather the information. Initial efforts have shown that some of the information collected has not been reliable. Mr. Romo added that the U.S. matrix raised a lot of questions in Mexico about what the Mexican government was doing to compare with that. He noted that, without the U.S. matrix as a start, it would be impossible to develop anything comparable in Mexico.

Ms. LaRocque agreed that binational project information would be useful as factual data, but that the most interesting aspects of the U.S. effort to her, e.g., how many binational projects, how much is remediation versus prevention, didn't reap the rewards anticipated. Ms. LaRocque offered to share her experience with the matrix process with Mexico. With respect to indicators, Ms. LaRocque urged the Board to develop indicators for public involvement. She cited the Board as able to make a valuable contribution in this area.

### Next Joint Meeting

Mr. Romo reported that the next joint meeting will be hosted by the Mexican government. He cited difficulties in identifying a convenient location for both groups to travel to. Juarez, Matamoros, and Tijuana were mentioned as convenient locations for U.S. members.

Mr. Hardaker urged that the meeting take place in September for his own budget purposes, recognizing that the Board will meet again in the Spring. He added that it would be much better for the U.S. if the meeting was held in a location where the members of the Board could simply walk or drive across the border than have to fly into Mexico because of travel clearances.

There was support for setting up smaller discussion sessions to contribute to cross-committee and member communication although it was recognized that substantial differences in the size of the two committees (45 in Mexico versus 25 in the U.S.) and translation costs make that difficult. Mr. Hardaker suggested consideration of work groups on indicators or a vision, joint approaches to industry, environmental education, a policy work group where we would talk about the next year's coordination. Mr. Romo also suggested scheduling a field trip for the two groups. There was agreement to invite legislators and local officials and to provide substantial time for public comments.

Ms. Saxod suggested an outreach effort to attract industry participation at the binational meeting to begin to engage them so that they can hear what we're thinking about and in turn, we could get back some feedback. The chair asked Mr. Hardaker to ask Ms. Kraus to take the lead for doing this on the U.S. side. Mr. Summers also agreed to help. Ms. Fiocco also suggested contacting chambers of commerce and trade associations.

### Next Board Meeting

It was agreed that the next meeting would be held in Las Cruces, New Mexico or the Lower Valley of Texas, probably in late April or May.

### Tribal Participation

Mr. Williams asked Mr. Romo if there were any plans to put indigenous peoples on the Consejo. Mr. Romo responded that, in Mexico, indigenous peoples are considered simply as Mexicans and there is opposition to consider them separate from everyone else. He noted that he would be attending the upcoming meeting of the border tribes and would discuss this issue with the Consejo. Mr. Williams emphasized the need for bring together natives on both sides of the border. He added that U.S. based border tribes have many members of these tribes in Mexico.

Mr. Hardaker advised the Board that the tribal meeting noted earlier would be held February 3-5 in San Diego for the 25 U.S.-Mexico border tribes on the U.S. side. He explained that his office is providing funds to sponsor the conference and to bring tribal representatives to San Diego. Representatives from each of the agencies represented on the Board, the BECC, NADBank, and Commission for Environmental Cooperation in Montreal will make presentations and participate in panel discussions with tribes. He added that this type of conference will also be held shortly for Northwest border region tribes and Canadian First Nations.

With respect to the next annual report, Ms. LaRocque suggested that each of the agencies write an executive summary highlighting their most important accomplishments and identifying priority issues around which they would like the Board to develop recommendations. The agencies agreed to do so if the Board requested it. Mr. Hardaker also suggested that the agencies look at previous recommendations to Congress related to statutory impediments to getting things done. The chair indicated that the Board needs to be able to say to the Congress --for three years we asked you to do something and you didn't so anything--but the individual agencies should not feel they have to participate in a comment like that.

The chair summarized that the agencies agreed to prepare a summary of no more than five pages highlighting where progress has been made on recommendations in past reports, and will also self-identify areas where further improvement, in their opinion, needs to be made. He requested volunteers to take the summary documents and figure out how to put them together into a report. He noted that if an agency fails to point out an area that's not adequately being covered, the rest of the Board will have an opportunity to comment on it. Alison Hughes and Jerry Gonzalez agreed to assist. Mr. Hardaker stated that he would contact Judith Espinosa about participating.

#### Public Participation Work Group

The chair noted a lot of prior Board discussion about public participation in Border XXI but that the Board had not proposed specific ways that public participation in the next two years ought to happen. He requested creation of a group to have a conference call prior to the next meeting and to bring recommendations. Ms. Teel noted that the U.S. and Mexico were still negotiating on a binational strategy and schedule. Mr. Martin, Ms. Kuhlman, Ms. Saxod, Mr. Fain and Ms. LaRocque volunteered to serve on the work group.

#### Report Dissemination Work Group

Rather than create a work group, Mr. Hardaker advised that he would send members the list of contacts that came out of a work group meeting in El Paso last February that identified a strategy. He asked for discussion at the next meeting about how to assure the next report is effectively marketed to Congress.

#### Sustainable Criteria

Mr. Banegas, Mr. Stephens, and Mr. Marston agreed to serve on the work group. This group will compile information on sustainable development indicators from available sources and make recommendations to the members regarding a few key indicators that the members will consider at the next meeting. Mr. Hardaker indicated that he would also discuss possible participation with Ms. Espinosa who could not attend the meeting.

#### New Business

Mr. Canez urged the Board to address ways that border communities may be relieved of some of the costs they incur because of illegal immigration and health issues along the border. He noted that a lot of that is not their responsibility but they have to spend money. He urged that the Federal government take over some of the costs for the justice system that's dealing with the illegal immigration problem to enable communities to refocus some of their money into infrastructure and housing etc. Mr. Bernal urged the staff to keep the BECC informed of the Board's meetings and materials. Mr. Fain called the Board's attention to the material on the American Heritage Rivers and the nomination of the Rio Grande River, adding that a decision is supposed to be made in early March.

#### National Coordinators Meeting

Mr. Hardaker extended an invitation to Board members to attend the Border XXI national coordinators' meeting in San Diego March 17 - 18. He urged local San Diego area members to attend as well as other members. He noted there is time on the agenda specifically for presentations by the Good Neighbor Board and the Consejo, and an opportunity to participate in the meetings of each of the work groups.

#### Approval of Minutes

A motion to approve the minutes of the September meetings was moved, seconded and approved by acclamation.

At 10:55 a.m. the meeting was adjourned.

Respectfully submitted,

Robert Hardaker, Designated Federal Officer

This is an accurate description of this meeting.

James Marston, Chair